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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.12.2016
CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.24213 of 2016
and
W.M.P (MD) No.17500 of 2016

P.Ayyanar

.. Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District, Virudhunagar.
- 2.The Executive Engineer,
Public Works Department,
Virudhunagar, Virudhunagar District.
- 3.The Executive Engineer,
WRO, Vaiparu Basin Division,
Rajapalayam, Virudhunagar District.
- 4.The Executive Engineer,
WRO, Upper Vaiparu Basin Division,
Rajapalayam, Virudhunagar District.
- 5.The Thasildar,
Rajapalayam Taluk,
Rajapalayam, Virudhunagar District.
- 6.The Special Officer/Block Development Officer,
Melarajagularaman Panchayat,
Ayyanapuram, Chathirappatti Post - 626 102,
Rajapalayam Taluk, Virudhunagar District.
- 7.Thalavaidurai,
Lakshmi Sankar Sirgicals,
South Street, Kall Paguthi,
Chathirappatti Post - 626 102,
Rajapalayam Taluk, Virudhunagar District.
- 8.K.Manikandan,
Milk Agency,
Sankarapandiapuram,
Chathirappatti Post - 626 102,
Rajapalayam Taluk, Virudhunagar District.



9.The Manager,
Sree Jeyamariamman Kalyana Mandapam,
Near Bus Stand, Chathirappatti Post - 626 102,
Rajapalayam Taluk, Virudhunagar District.

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10.The President,
Middle Street Keel Paguthi Saliyar Samugam,
Chathirappatti Post - 626 102,
Rajapalayam Taluk, Virudhunagar District.

11.The President,
South Street Keel Paguthi Saliyar Samugam,
Chathirappatti Post - 626 102,
Rajapalayam Taluk, Virudhunagar District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 6 herein to remove the encroachment made by the respondents 7 to 11 herein in S.No.1120/1A, Melarajagularaman Village, Rajapalayam Taluk, Virudhunagar District, which is classified as Vagaikulam Konmoi and pass orders within the time frame fixed by this Court.

For Petitioner	: Mr.P.Athimoolapandian
For Respondents 1 to 5	: Mr.D.Muruganandam, Additional Government Pleader.
For Respondent No.6	: Mr.P.Gunaseelan Muthiah, Standing Counsel.

ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 6 to remove encroachments alleged to have been made by the respondents 7 to 11 in Survey No.1120/1A, Melarajagularaman Village, Rajapalayam Taluk, Virudhunagar District, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Ayyanapuram, Chathirappatti Post, Rajapalayam Taluk, Virudhunagar District. Further it is averred in the petition that in Melarajagularaman Village, Survey No.1120/1A is nothing, but an irrigation tank, wherein the respondents 7 to 11 have made certain encroachments. Due to that a representation has also been given. But action has not been taken and therefore the present writ petition is filed for getting the relief sought therein.



3. Mr. D. Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 1 to 5 and Mr. P. Gunaseelan Muthiah, learned Standing Counsel, has taken notice for the sixth respondent. Considering the nature of relief sought in the writ petition, notice need not be sent to the respondents 7 to 11.

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4. The specific case of the petitioner is that Survey No. 1120/1A in Melarajagularaman Village has been classified as an irrigation tank, wherein certain encroachments have been made by the respondents 7 to 11 and for the purpose of removing the same, a representation has been given, but action has not been taken.

5. It is seen from the records that Survey No. 1120/1A has been classified as Vagaikulam Kanmoi.

6. Considering the nature of classification made in respect of Survey No. 1120/1A, this Court is of the view to direct the respondents 1 to 6 to remove encroachments, if any, after following due process of law.

7. In fine, this writ petition is allowed without costs and the respondents 1 to 6 are strictly directed to remove encroachments alleged to have been made in Survey No. 1120/1A, Melarajagularaman Village, Rajapalayam Taluk, Virudhunagar District under due process of law within a period of two months. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar (J)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District, Virudhunagar.

2. The Executive Engineer,
Public Works Department,
Virudhunagar, Virudhunagar District.

3. The Executive Engineer,
WRO, Vaiparu Basin Division,
Rajapalayam, Virudhunagar District.

4. The Executive Engineer,
WRO, Upper Vaiparu Basin Division,
Rajapalayam, Virudhunagar District.



5.The Thasildar,
Rajapalayam Taluk,
Rajapalayam, Virudhunagar District.

6.The Special Officer/Block Development Officer,
Melarajagularaman Panchayat,
Ayyanapuram, Chathirappatti Post - 626 102,
Rajapalayam Taluk, Virudhunagar District.

+1cc to Mr.J.Gunaseelan Muthiah,Advocate Sr.No.81542
+1cc to Mr.P.Athimoola Pandiyan,Advocate Sr.No.81844
+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.81877

ORDER MADE IN
W.P (MD) No.24213 of 2016
and
W.M.P (MD) No.17500 of 2016
19.12.2016

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